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C O N F I D E N T I A L SECTION 01 OF 02 KINSHASA 000272

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SUBJECT: GDRC-CNDP FINAL AGREEMENT SIGNED

REF: KINSHASA 264

Classified By: Ambassador William J. Garvelink for reasons 1.4 (B) and (D)

¶1. (C) Summary: As expected (reftel), but with little specific advance notice, the GDRC and CNDP signed an agreement March 23 in Goma, effectively ending the CNDP's status as a politico-military group and committing it to transform into a political party. Minister of International and Regional Cooperation Raymond Tshibanda played an assertive role on behalf of the GDRC and signed for the Government, while Secretary-General Desire Kamanzi signed for the CNDP. All the other officially-recognized armed groups of North and South Kivu (with the notable exception of the FRF) also signed yet another in what has now grown into a series of agreements, each of which ostensibly puts a similar end to their armed status. International representation at the event included the two Facilitators (Obasanjo and Mkapa), SRSG Doss, and USG personnel. End Summary.

Elements of the GDRC-CNDP Agreement

¶2. (C) The final agreement between the GDRC and CNDP, on the face of it, appears to address many of the CNDP's traditional concerns, while committing the latter, for its part, to cease its operation as a politico-military group and transform itself into a legal political party. The agreement also commits the CNDP to integrate its fighters into the FARDC and the national police force. Other notable elements from the text follow below (full text of the agreement to follow septel).

-- The GDRC commits to free CNDP "political prisoners" and ensure their return home.

-- The GDRC agrees to promulgate an amnesty law, conforming to "international law," and to take into consideration CNDP concerns with the draft amnesty law, as it was circulated last year. (Note: The "international law" clause appears to refer to the exclusion of Jean-Bosco Ntaganda ("Bosco") from any amnesty, to which Bosco reportedly objected during the course of the negotiations. Bosco allegedly threatened to pull the CNDP from the talks if this language was not removed. Others apparently persuaded him that it did not make any difference whether this language was included or not, as international law could not be circumvented by an act of Parliament. End Note).

-- The parties agree to create a national mechanism charged with leading a reconciliation effort among the Congolese people, as well as to create a "ministerial structure" responsible for interior security, local affairs, and reconciliation (Note: This leaves the option of either creating a new ministry charged with these responsibilities,

or simply subsuming the responsibilities under existing ministries. End Note).

-- The creation of a local police force ("police de proximite"), but as a part of the national police force (PNC) (Note: Some of the issues and controversies surrounding this concept were reported reftel. Other than specifying that this force will not be constituted on ethnic grounds, while also confirming that it will reflect the "social diversity" of the localities to which it is deployed, little mention is made of what its tasks are to be. A later clause does suggest, however, that, as noted reftel, it will have responsibility for ensuring the safety of returning refugees and IDP's. End Note).

-- The GDRC appears to have agreed (however vaguely) to take under advisement CNDP proposals for redrawing administrative boundaries, including specific reference to the CNDP's "decoupage" proposal (Note: This pertains to efforts by Rwandaphonie advocates to separate the predominantly Hutu/Tutsi Petit Nord from the Grand Nord, where the Nande are the majority ethnic group. End Note).

-- The agreement calls for the rapid return of all Congolese refugees and IDPs. To achieve this goal, the GDRC agrees to re-launch the tripartite commissions necessary to begin the process of refugee return.

North and South Kivu Armed Groups Agreement

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¶3. (C) We have not seen a copy of this text, but according to the armed group representatives who did see it and were involved in the (apparently perfunctory) talks with Minister Tshibanda over the weekend, it includes a renewed commitment to disarm and to transform themselves into one or more political parties. It also allegedly asks the GDRC to take their requests for rank transferability and for public-sector appointments into account. The GDRC, however, reportedly did not even countersign the statement in question. North Kivu Governor Julien Paluku beamed that "as of today, the notion of armed groups in North and South Kivu is groundless."

¶4. (C) We noted that there appeared to be rumblings in the ranks of the armed groups at the ceremony. Having just arrived from Bukavu, the South Kivu groups had not even seen the document they were asked to sign. The North Kivu groups, despite discussions over the weekend with Tshibanda, were apparently unsatisfied with the vague statement they had been given. In later private conversations, representatives from the armed groups expressed frustration and anger that they had yet again been dragged around and expected to sign the draft as a fait accompli.

Mediation Disengaged

¶5. (C) During the signing ceremony, Obasanjo appeared rather ungracious, remaining surly throughout and making only the most perfunctory remarks in English. He also insisted on a truncated ceremony, maintaining that he had to return to Dar es Salaam the same day. At the same time, Mkapa delivered an eloquent speech in Swahili, earning him huge points with the crowd.

¶6. (C) Comment: Given the attention that such a GDRC-CNDP agreement might have attracted several months ago, the ceremony was rather anti-climatic. While the ceremony represented a symbolic turning of a huge page in recent Congolese history, the haste with which it was convened and dispatched gave it the air of a reluctantly completed chore. The question now, as always, is whether the GDRC and CNDP have the will and capacity to implement what has been agreed, especially given the hasty (and therefore unstable) turn of

events of January to which it can ultimately be traced. It seems questionable, for example, as to whether the CNDP can really look forward to a vibrant life as a political party in the DRC.

¶7. (C) Comment continued: While perhaps not surprising, it should be noted that the text of the agreement contained very little that could be construed as part of the alleged "Rwandophone" plan bandied about in recent weeks. We believe the Rwandophones who will ultimately play the most important roles in North Kivu are not likely to come from the CNDP camp, but instead would be flexible individuals willing to work with Kinshasa and Kigali in non-partisan ways. Such a grouping could easily establish a new political party, somewhat in the footsteps of RCD, but obviously different in that it would presumably have good ties with both Kinshasa and Kigali. Finally, an interesting development is that Raymond Tshibanda has come into his own as a negotiator and important player, emerging from behind Kabila's shadow. End Comment.

GARVELINK